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KYOCERA WIRELESS CORP. P.O. BOX 928289 SAN DIEGO, CA 92192-8289			DANIEL JR, WILLIE J	
		ART UNIT	PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/848,070 <b>Examiner</b> WILLIE J. DANIEL JR	<b>Applicant(s)</b> FOK, KENNY K. <b>Art Unit</b> 2617
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 December 2009.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 50,51 and 53-62 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 50,51 and 53-62 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date, \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in response to applicant's amendment filed on 15 December 2009. **Claims 50-51 and 53-62** are now pending in the present application and **claims 1-49, 52, and 63** have been canceled. This office action is made **Final**.

#### *Claim Objections*

2. **Claim 54** is objected to because of the following informalities:
  - a. Claim 54 recites the language "...of claim **52**, wherein..." on line 1 of the claim. Applicant has **canceled** claim 52. The Examiner interprets as "...of claim **50**, wherein..." and requests correction of dependency for the claim.  
Appropriate correction is required.
3. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code 103(a) not included in this action can be found in a prior Office action.

**Claims 50-51 and 53-56** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Carey et al.** (hereinafter Carey) (US 6,714,793 B1) in view of **Applicant's Admitted Prior Art** (hereinafter AAPA) (Orig. Specification pgs. 6-7) and **Gudjonsson et al.** (hereinafter Gudjonsson) (US 6,564,261 B1).

Regarding **claim 50**, Carey discloses a system (20) for providing a mobile unit device (36) which reads on the claimed “wireless communications device” access to an instant messaging service on a data network (30), the instant messaging service communicating instant messages in an instant message format (see col. 3, lines 18-49; Figs. 1, 5-6), the system (20) comprising:

a wireless mobile carriers (34) which reads on the claimed “wireless communication network” (see col. 6, lines 26-32,52-60; col. 3, lines 45-49; col. 7, lines 19-29; Figs. 1, 5, 9-10, and 12);

an active state, in which the wireless communication device (36) is powered up but is not connected to the wireless communication network (34) (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1 and 5-6), where a mobile unit device (36) powers on and would be considered active or available as evidenced by the fact that one of ordinary skill in the art would clearly recognize. As a note, a communications system recognizes the availability (or presence) of a mobile device when powered-on by providing metering signals such as strength indicators or bars in which there is no data connection or message exchange. For example, a messaging

service such as SMS will recognize that a mobile device is available via the communications system.;

a short message service (SMS) center (32) connected to the wireless network (34) (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1, 5-6);

a IM routing system (22) which reads on the claimed “proxy server” having a first connection to the SMS center (32) and a second connection to a data network (30) (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1, 5, and 6),

the proxy server (22) for establishing a substitute proxy presence on the data network (30) for the wireless communications device (36) (see col. 5, lines 5-18; col. 6, lines 12-60; col. 4, lines 11-19; Fig. 5), where the user presence is established between networks,

the proxy server (22) for transmitting presence information to the instant messaging service (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1 and 5-6),

after receiving login information associated with the instant message service, wherein the login information is communicated from the wireless communication device (see col. 4, lines 15-22; Fig. 5);

the proxy server (22) configured to maintain the presence information (see col. 3, lines 19-22; col. 5, lines 8-16),

the proxy server (22) for intercepting and storing an instant message addressed to the wireless communications device (36), when the wireless communication device (36) is in the active state (see col. 9, lines 35-38; col. 5, lines 66-67; Fig. 1), where the combined functions of the routing system (22) and the instant message server (40) would provide the storing of instant messages. As a note, communication systems utilize a store and forward operation

when a device is powered-on (or active) and has a condition such as out of communication range; ; and

the proxy server (22) configured to convert at least a portion of the intercepted instant message to a short message format, and sends a converted message with the portion of the intercepted message to the wireless communications device (36) through the wireless network (34) via the SMS center (32) (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7), where the server (24) uses a predefined to protocol to convert messages between instant message and short message service;

the proxy server configured to save the entire intercepted instant message for a period of time, wherein a data connection to connect to the proxy server enables viewing the entire intercepted instant message (see col. 9, lines 35-38; col. 5, lines 66-67; Fig. 1), where the combined functions of the routing system (22) and the instant message server (40) would provide the storing of instant messages;

a plurality of traditional systems (42) which reads on the claimed “information handling systems” connected to the data network (30) and logged into the instant messaging service for sending and receiving the instant messages (see col. 3, lines 18-34; col. 4, lines 6-11; Fig. 1); and

the wireless device configured to receive the portion of the short message while the wireless device is in the active state to minimize power consumption by the wireless device (see col. 9, lines 35-38; col. 5, lines 66-67; Fig. 1), where the combined functions of the routing system (22) and the instant message server (40) would provide the storing of instant messages. Carey inexplicitly discloses having the feature(s) a battery associated with the

wireless communications device, in which a processor associated with the wireless communication device receives power from the battery and can control and monitor the discharge state of the battery; so that power consumption by the wireless device is minimized; and even when a data connection does not exist between the wireless communication device and the wireless network. However, the examiner maintains that the feature(s) a battery associated with the wireless communications device, in which a processor associated with the wireless communication device receives power from the battery and can control and monitor the discharge state of the battery; and so that power consumption by the wireless device is minimized was well known in the art, as taught by AAPA.

As further support in the same field of endeavor, AAPA discloses the feature(s) a battery associated with the wireless communications device, in which a processor associated with the wireless communication device receives power from the battery and can control and monitor the discharge state of the battery; and so that power consumption by the wireless device is minimized (see pg. 6, line(s) 8 & 18-19; pg. 6, line 22 - pg. 7, line 1), where the processor (102) and battery (108) are *standard* devices for a wireless communication device (100) and the processor (102) and battery (108) connected via *standard* power conditioning and control circuitry as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings Carey, Gudjonsson, and AAPA to have the feature(s) a battery associated with the wireless communications device, in which a processor associated with the wireless communication device receives power from the battery and can

control and monitor the discharge state of the battery; and so that power consumption by the wireless device is minimized, in order to provide power conditioning, as taught by AAPA. The combination of Carey and AAPA does not specifically disclose having the feature even when a data connection does not exist between the wireless communication device and the wireless network. However, the examiner maintains that the feature even when a data connection does not exist between the wireless communication device and the wireless network was well known in the art, as taught by Gudjonsson.

In the same field of endeavor, Gudjonsson discloses the feature the proxy server configured to maintain the presence information even when a data connection does not exist between the wireless communication device and the wireless network (see col. 2, lines 20-22; col. 3, lines 14-17; col. 7, line 53 - col. 8, line 30; col. 8, lines 53-65; col. 11, lines 32-64; Figs. 1-9, 19, and 21), where the system uses proxy server (21, 23) to communicate between short text message (i.e., instant message) and SMS and to provide connection and status (see col. 10, lines 8-21; col. 11, lines 21-27; col. 17, lines 38-44; col. 36, lines 12-25,56-62; Figs. 1-6 and 13). In addition, Gudjonsson at the least further discloses the feature the proxy server configured to maintain the presence information (see col. 10, lines 8-21; col. 11, lines 21-27; col. 17, lines 38-44; col. 36, lines 12-25,56-62; Figs. 1-6 and 13). As a note, basically the proxy server provides an on-demand connection that can be automatically suspended and resumed as needed. Furthermore, a communications system recognizes the availability (or presence) of a mobile device when powered-on by providing metering signals such as strength indicators or bars in which there is no data connection or message exchange. For

example, a messaging service such as SMS will recognize that a mobile device is available via the communications system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carey and Gudjonsson to have the feature even when a data connection does not exist between the wireless communication device and the wireless network, in order to provide user with a simple and secure way of establishing arbitrary communications with other users or services, as taught by Gudjonsson (see col. 7, lines 39-42).

Regarding **claim 51**, the combination of Carey, Gudjonsson, and AAPA discloses every limitation claimed, as applied above (see claim 50), in addition Carey further discloses the system of claim 50, wherein the proxy server notifies the SMS center (32) that the instant message addressed to the wireless communications device (36) has been received (see col. 7, lines 8-18; Fig. 6).

Regarding **claim 53**, the combination of Carey, Gudjonsson, and AAPA discloses every limitation claimed, as applied above (see claim 50), in addition Carey further discloses the system of claim 50, wherein the proxy server (22) converts an identifier (e.g., name, phone number, or address) of a sender of the intercepted instant message to a short message format and sends the converted identifier of the sender to the wireless communications device (36) (see col. 7, lines 12-22; col. 5, lines 43-50; col. 8, lines 19-21,32-40; col. 3, lines 24-27,50-66; col. 4, lines 11-33; Figs. 1, 6-7, and 9-10), where the server (24) uses a predefined to protocol to convert messages between instant message and short message service.

Regarding **claim 54**, the combination of Carey, Gudjonsson, and AAPA discloses every limitation claimed, as applied above (see claim 52), in addition Carey further discloses the system of claim 52, wherein the SMS center (32) stores the converted message (see col. 7, lines 27-29; Fig. 7 “ref. 172”).

Regarding **claim 55**, the combination of Carey, Gudjonsson, and AAPA discloses every limitation claimed, as applied above (see claim 50), in addition Carey further discloses the system of claim 50, wherein the proxy server (22) receives a response short message from the wireless communications device (36) that is addressed to an information handling system of the plurality of information handling systems (42), converts the response short message to an instant message format response message, and sends the instant message response message to the information handling system (42) (see Figs. 1 and 6-7).

Regarding **claim 56**, the combination of Carey, Gudjonsson, and AAPA discloses every limitation claimed, as applied above (see claim 50), in addition Carey further discloses the system of claim 50, wherein the proxy server (22) receives an indication that the wireless communications device (36) is in an inactive state, and wherein the proxy server removes the substitute proxy presence upon receipt of the indication that the wireless communications device (36) in the inactive state (see col. 7, lines 44-64; col. 8, line 61 - col. 9, line 5; Figs. 7 “ref. 174”, 12).

**Claims 57-62** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Carey et al.** (hereinafter Carey) (US 6,714,793 B1) in view of **Applicant's Admitted Prior Art** (hereinafter AAPA) (Orig. Specification pgs. 6-7), **Gudjonsson et al.** (hereinafter Gudjonsson) (US 6,564,261 B1), and **Polychronidis et al.** (hereinafter Polychronidis) (US 2003/0018704 A1) with further support by **Guedalia et al.** (hereinafter Guedalia) (US 7,043,538 B2).

Regarding **claim 57**, Carey discloses a method for providing a wireless communications device (36) access to an instant messaging service connected to a data network (30) (see Fig. 1), the method comprising the steps of:

communicating an active state an active state, in which the wireless communication device (36) is powered up but not connected to the wireless communication network (34), from the wireless communications device to a wireless network, wherein the wireless network is connected to a short messaging service (SMS) center, the SMS center is connected to a proxy server (22), and the proxy server (22) is connected to the data network (30) (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1 and 5-6), where a mobile unit device (36) powers on and would be considered active or available as evidenced by the fact that one of ordinary skill in the art would clearly recognize. As a note, a communications system recognizes the availability (or presence) of a mobile device when powered-on by providing metering signals such as strength indicators or bars in which there is no data connection or message exchange. For example, a messaging service such as SMS will recognize that a mobile device is available via the communications system. ;

transmitting presence information from the proxy server (22) to the instant messaging service, after receiving login information associated with the instant message service, wherein the login information is communicated from the wireless communication device (see col. 4, lines 15-22; Fig. 5);

the proxy server (22) configured to maintain the presence information (see col. 3, lines 19-22; col. 5, lines 8-16), where the user presence is established between networks (see col. 5, lines 5-18; col. 6, lines 12-60; col. 4, lines 11-19; Fig. 5),

the proxy server (22) configured to maintain the presence information as long as the wireless communications device remains in the active message state status (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1 and 5-6); and

the proxy server (22) configured to convert at least a portion of the intercepted instant message to a short message format, and sends a converted message with the portion of the intercepted message to the wireless communications device (36) through the wireless network (34) via the SMS center (32) (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7), where the server (24) uses a predefined protocol to convert messages between instant message and short message service;

the proxy server configured to save the entire intercepted instant message for a period of time, wherein a data connection to connect to the proxy server enables viewing the entire intercepted instant message (see col. 9, lines 35-38; col. 5, lines 66-67; Fig. 1), where the combined functions of the routing system (22) and the instant message server (40) would provide the storing of instant messages;

the proxy server (22) intercepting and storing at least one instant message intended for the wireless communications device (36) (see col. 9, lines 35-38; col. 5, lines 66-67; Fig. 1), where the combined functions of the routing system (22) and the instant message server (40) would provide the storing of instant messages; and

the wireless device configured to receive the portion of the short message while the wireless device is in the active state to minimize power consumption by the wireless device (see col. 9, lines 35-38; col. 5, lines 66-67; Fig. 1), where the combined functions of the routing system (22) and the instant message server (40) would provide the storing of instant messages. As a note, Carey further teaches the feature the proxy server determining that the wireless communications device is in the active message state status if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device (see col. 5, lines 5-18; col. 6, lines 12-60; col. 4, lines 11-19; Fig. 5). Carey inexplicitly discloses having the feature(s) wherein the wireless communication device includes a battery and a processor that receives power from the battery and can control and monitor the discharge state of the battery; so that power consumption by the wireless device; even when a data connection does not exist between the wireless communication device and the wireless network; and the proxy server determining that the wireless communications device is in the active state if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device. However, the examiner maintains that the feature(s) wherein the wireless communication device includes a battery and a processor that receives

power from the battery and can control and monitor the discharge state of the battery; so that power consumption by the wireless device was well known in the art, as taught by AAPA.

As further support in the same field of endeavor, AAPA discloses the feature(s) wherein the wireless communication device includes a battery and a processor that receives power from the battery and can control and monitor the discharge state of the battery; so that power consumption by the wireless device (see pg. 6, line(s) 8 & 18-19; pg. 6, line 22 - pg. 7, line 1), where the processor (102) and battery (108) are *standard* devices for a wireless communication device (100) and the processor (102) and battery (108) connected via *standard* power conditioning and control circuitry as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings Carey, Gudjonsson, and AAPA to have the feature(s) wherein the wireless communication device includes a battery and a processor that receives power from the battery and can control and monitor the discharge state of the battery; so that power consumption by the wireless device, in order to provide power conditioning, as taught by AAPA. The combination of Carey and AAPA does not specifically disclose having the features even when a data connection does not exist between the wireless communication device and the wireless network; the proxy server determining that the wireless communications device is in the active state if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device. However, the examiner maintains that the feature even

when a data connection does not exist between the wireless communication device and the wireless network was well known in the art, as taught by Gudjonsson.

In the same field of endeavor, Gudjonsson discloses the feature even when a data connection does not exist between the wireless communication device and the wireless network (see col. 2, lines 20-22; col. 3, lines 14-17; col. 7, line 53 - col. 8, line 30; col. 8, lines 53-65; col. 11, lines 32-64; Figs. 1-9, 19, and 21), where the system uses proxy server (21, 23) to communicate between short text message (i.e., instant message) and SMS and to provide connection and status (see col. 10, lines 8-21; col. 11, lines 21-27; col. 17, lines 38-44; col. 36, lines 12-25;56-62; Figs. 1-6 and 13). As a note, basically the proxy server provides an on-demand connection that can be automatically suspended and resumed as needed. Also, Gudjonsson further teaches the feature the proxy server determining that the wireless communications device is in the active message state status if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device (see col. 2, lines 20-22). In addition, Gudjonsson at the least further discloses the feature the proxy server configured to maintain the presence information (see col. 10, lines 8-21; col. 11, lines 21-27; col. 17, lines 38-44; col. 36, lines 12-25,56-62; Figs. 1-6 and 13). As a note, basically the proxy server provides an on-demand connection that can be automatically suspended and resumed as needed. Furthermore, a communications system recognizes the availability (or presence) of a mobile device when powered-on by providing metering signals such as strength indicators or bars in which there is no data connection or message exchange. For example, a messaging service such as SMS will recognize that a mobile device is available via the communications system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carey, AAPA, and Gudjonsson to have the feature even when a data connection does not exist between the wireless communication device and the wireless network, in order to provide user with a simple and secure way of establishing arbitrary communications with other users or services, as taught by Gudjonsson (see col. 7, lines 39-42). The combination of Carey, AAPA, and Gudjonsson does not specifically disclose having the feature the proxy server determining that the wireless communications device is in the active message state status if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device. However, the examiner maintains that the feature the proxy server determining that the wireless communications device is in the active message state status if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device was well known in the art, as taught by Polychronidis.

As further support in the same field of endeavor, Polychronidis discloses the feature the proxy server determining that the wireless communications device (e.g., mobile device 22) is in the active message state status if the wireless communications device is responsive to a special SMS message (e.g., probe) that is periodically sent by the proxy server to the wireless communications device (see pg. 3, [0034-0035, 0037]; pg. 4, [0050]; Figs. 2 and 4), where the active communication state is indicated when the device (22) is powered up which registers with the network (26) and the status is monitored. As a note, Polychronidis further discloses the feature the proxy server configured to maintain presence information even when

a data connection does not exist between the wireless communication device and the wireless network (26, 43) (see pg. 3, [0034-0035, 0037]; pg. 4, [0050]; Figs. 2 and 4), where the system is aware of the mobile device presence and location in the network for communication even though no data connection is established for exchanging communication messages.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carey, AAPA, Gudjonsson, and Polychronidis to have the feature the proxy server determining that the wireless communications device is in the active message state status if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device, in order to have a network presence and location agent which acquires presence and location information about multiple mobile devices operating on a network from an entity on the wireless network, as taught by Polychronidis (see pg. 1, [0005]). The combination of Carey, AAPA, Gudjonsson, and Polychronidis clearly discloses the features as indicated above as evidenced by the fact that one of ordinary skill in the art would clearly recognize. However, the examiner maintains that the feature even when a data connection does not exist between the wireless communication device and the wireless network was well known in the art, as taught by Guedalia.

As further support in the same field of endeavor, Guedalia discloses the feature even when a data connection does not exist between the wireless communication device and the wireless network (see col. 5, lines 3-9; col. 3, lines 31-35,57-60; col. 2, lines 22-27), where the system has instant messaging proxy interface to maintain presence when disconnected.

In addition, Guedalia at the least further discloses the feature(s) the proxy server configured to maintain the presence information as long as the wireless communications device remains in the active state; the proxy server determining that the wireless communications device is in the active state if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device (see abstract; col. 5, lines 3-9; col. 3, lines 31-35,57-60; col. 2, lines 22-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carey, AAPA, Gudjonsson, and Polychronidis as further supported by Guedalia to have the feature even when a data connection does not exist between the wireless communication device and the wireless network, in order to enable a thin client to utilize a presence server through a simple interface, as taught by Guedalia (see col. 1, lines 63-65).

Regarding **claim 58**, the combination of Carey, AAPA, Gudjonsson, and Polychronidis with further support by Guedalia discloses every limitation claimed, as applied above (see claim 57), in addition Carey further discloses the method of claim 57 further comprising the steps of:

the proxy server (22) converting at least a portion of the at least one instant message to short message service (SMS) format (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7), where the server (24) uses a predefined protocol to convert messages between instant message and short message service;

sending the converted message to the SMS center (32) (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7), where the server (24) uses a predefined to protocol to convert messages between instant message and short message service;

the SMS center (32) sending the converted message to the wireless network (34) (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7); and

the wireless network (34) delivering the converted message to the wireless communications device (36) (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7).

Regarding **claim 59**, the combination of Carey, AAPA, Gudjonsson, and Polychronidis with further support by Guedalia discloses every limitation claimed, as applied above (see claim 57), in addition Carey further discloses the method of claim 57, further comprising the step of:

the proxy server (22) notifying the wireless communications device (36) through the SMS center (32) and the wireless network (34) that at least one instant message has been received (see col. 7, lines 8-18; Fig. 6).

Regarding **claim 60**, the combination of Carey, AAPA, Gudjonsson, and Polychronidis with further support by Guedalia discloses every limitation claimed, as applied above (see claim 59), in addition Carey further discloses the method of claim 59, wherein the step of notifying comprises the steps of:

the proxy server (22) converting at least a portion of the at least one instant message from instant message format to short message service (SMS) format (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7); and

sending the converted message to the wireless communications device through the SMS center (32) (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1 and 6-7).

Regarding **claim 61**, the combination of Carey, AAPA, Gudjonsson, and Polychronidis with further support by Guedalia discloses every limitation claimed, as applied above (see claim 60), in addition Carey further discloses the method of claim 60, further comprising the step of:

the proxy server (22) converting an identifier of the sender of the at least one instant message from the instant message format to SMS format (see col. 7, lines 12-22; col. 5, lines 43-50; col. 8, lines 19-21,32-40; col. 3, lines 24-27,50-66; col. 4, lines 11-33; Figs. 1, 6-7, and 9-10); and

sending the converted identifier to the wireless communications device (36) (see col. 7, lines 12-22; col. 5, lines 43-50; col. 8, lines 19-21,32-40; col. 3, lines 24-27,50-66; col. 4, lines 11-33; Figs. 1, 6-7, and 9-10).

Regarding **claim 62**, the combination of Carey, AAPA, Gudjonsson, and Polychronidis with further support by Guedalia discloses every limitation claimed, as applied above (see claim 58), in addition Carey further discloses the method of claim 58, further comprising the steps of:

the wireless communications device (36) sending a response message transmitted in short message service format to the proxy server (22) (see Figs. 1 and 6-7); and

the proxy server (22) converting the response message to instant message format and transmitting the converted response message over the data network (30) (see Figs. 1 and 6-7).

***Response to Arguments***

5. Applicant's arguments with respect to claims 50-51 and 53-62 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations and comments in this section).

6. The Examiner requests applicant to provide support for any further amended claim language.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Andrus et al. (US 6,807,437 B1) discloses a wireless communication apparatus for portable electronic devices. Andrus at the least further discloses one of the functions of the **proxy server** is to **perform operations** over the internet **on behalf** of the portable computer system... (see col. 8, lines 55-60; Fig. 5).

b. Gustafsson (US 6,424,841 B1) discloses a short message service with improved utilization of available bandwidth. In addition, Gustafsson further discloses that a **gateway server** is a **proxy server** (see col. 10, lines 1-10; col. 6, lines 28-39). Wireless client device is coupled to a proxy server device and a short message service (SMS) server through an airnet. Airnet can, for example, be a GSM network. Short

message service (SMS) server acts as a bridge between the proxy server and the wireless client device (see col. 10, lines 1-10).

c. Chen et al. (US 7,020,685 B1) discloses a method and apparatus for providing internet content to SMS-based wireless devices. In addition, Chen the communication path between wireless device and network servers include a wireless communication network, a proxy server, and a land-based network (see col. 4, lines 7-10; Fig. 1). Note that the communication between wireless device and proxy server is via the carrier infrastructure which includes SMSC (see col. 6, lines 8-11; Fig. 1). Chen further describes the proxy server acting on behalf of the wireless device (see col. 6, lines 15-18).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,Jr/

WJD,Jr  
23 February 2010

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617